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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,164	08/22/2003	Steven W. Widner	P1957US00	9109
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SUITER- WEST-SWANTZ PC LLC 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154-5299			PUENTE, EMERSON C	
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			2113	
DATE MAILED: 10/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,164	Applicant(s) WIDNER, STEVEN W.	
	Examiner Emerson C. Puente	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is made **Non-Final**.

Claims 1-55 have been examined.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 32 discloses a signal tangibly embodying a computer readable medium. A signal cannot tangibly embody a computer readable medium. As such, a signal tangibly embodying a computer readable medium constitutes non-statutory subject matter as it fails to fall within any of the categories of patentable subject matter. The remaining claims, not specifically mentioned, are rejected for being dependent upon claim 32.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 32-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in

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the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 32 discloses a signal tangibly embodying a computer readable medium. A signal cannot tangibly embody a computer readable medium. As such, the specification has failed to describe how a signal can tangibly embody a computer readable medium. The remaining claims, not specifically mentioned, are rejected for being dependent upon claim 32.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9,10,20,21,30-42, 51, and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 discloses a signal tangibly embodying a computer readable medium. A signal cannot tangibly embody a computer readable medium. As such, applicant has failed to particularly point out and distinctly claim the subject matter. Claims 33-42, not specifically mentioned, are rejected for being dependent upon claim 32.

Claims 9,20,30,41, and 51 disclose, "build of material information is selected from the group consisting of device drivers, software applications, operating systems, or BIOS versions". The claim(s) fails to particularly point out whether the applicant intended the alternative expression to be Markush grouping or "OR" terminology. If applicant intended the alternative expression to be Markush grouping, applicant needs to change " or" to "and" such that the claim reads "build of material information is selected from the group consisting of device drivers,

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software applications, operating systems, **and** BIOS versions”. If applicant intended the alternative expression to be “OR” terminology, applicant needs to change the claim to read ““build of material information is device drivers, software applications, operating systems, or BIOS versions”.

Claims 10,21,31,42, and 52 disclose, “central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center”. The claim(s) fails to particularly point out whether the applicant intended the alternative expression to be Markush grouping or “OR” terminology. If applicant intended the alternative expression to be Markush grouping, applicant needs to change “ or” to “and” such that the claim reads “central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, **and** an automated calling center”. If applicant intended the alternative expression to be “OR” terminology, applicant needs to change the claim to read “central authority is a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,7-13,18-23,28-33,39-43,49-53, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application No. 2003/0208593 of Bharati et al. referred hereinafter "Bharati".

In regard to claim 1, Bharati discloses a method for providing build of material information in a computer system, comprising:

identifying build of material information in a source file of the computer system. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

encoding a file marker with the build of material information from the source file. Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20).

storing the file marker in a physical storage location. Bharati discloses storing the information in a database (see page 2 paragraph 20).

In regard to claim 2, Bharati discloses the claim limitations as discussed above. Bharati further discloses sending the file marker to a central authority when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

In regard to claim 7, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is provided within a physical storage medium. Bharati discloses storing the information in a database (see page 2 paragraph 20).

In regard to claim 8, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the physical storage medium comprises a disk drive. Bharati discloses wherein the database may reside on media such as a CD-ROM accessible using a CD-ROM drive (see page 6 paragraph 79).

In regard to claim 9, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the build of material information is selected from the group consisting of device drivers, software applications, operating systems, or BIOS versions. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

In regard to claim 10, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center. Bharati discloses information is collected from the client computer for transmission to a server (see page 2 paragraph 19).

In regards to claim 11, Bharati discloses a method for providing build of material information in a computer system, comprising:

receiving a source file into the computer system. Bharati discloses installing application and upgrading operating systems onto a computer (see page 1 paragraph 7 and 8).

identifying build of material information in the source file. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

encoding a file marker with the build of material information from the source file. Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20).

storing the file marker in a physical storage location. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 12, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the receiving of the file is by a download from a computer readable medium Bharati discloses installing application and upgrading operating systems onto a computer (see page 1 paragraph 7 and 8).

In regard to claim 13, Bharati discloses the claim limitations as discussed above. Bharati further discloses sending the file marker to a central authority when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

In regard to claim 18, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is provided within a physical storage medium. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 19, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the physical storage medium comprises a disk drive. Bharati discloses wherein the database may reside on media such as a CD-ROM accessible using a CD-ROM drive (see page 6 paragraph 79).

In regard to claim 20, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the build of material information is selected from the group consisting

of device drivers, software applications, operating systems, or BIOS versions. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

In regard to claim 21, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center. Bharati discloses information is collected from the client computer for transmission to a server (see page 2 paragraph 19).

In regard to claim 22, Bharati discloses a method of providing build of material information during a software failure, comprising:

encoding a file marker with build of material information from a source file. Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20).

sending the file marker to a central authority when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

In regard to claim 23, Bharati discloses the claim limitations as discussed above. Bharati further discloses comprising the step of storing the file marker in a physical storage location. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 28, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is provided within a physical storage medium. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 29, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the physical storage medium comprises a disk drive. Bharati discloses wherein the database may reside on media such as a CD-ROM accessible using a CD-ROM drive (see page 6 paragraph 79).

In regard to claim 30, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the build of material information is selected from the group consisting of device drivers, software applications, operating systems, or BIOS versions. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

In regard to claim 31, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center. Bharati discloses information is collected from the client computer for transmission to a server (see page 2 paragraph 19).

In regard to claim 32, Bharati discloses a signal tangibly embodying a computer readable medium for providing build of material information, comprising:

a first command for identifying build of material information in a source file. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

a second command for encoding a file marker with the build of material information from the source file. Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20).

a third command for storing the file marker in a physical storage location. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 33, Bharati discloses the claim limitations as discussed above. Bharati further discloses a fourth command for sending the file marker to a central authority during a software application failure. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

In regard to claim 39, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is stored within a physical storage medium. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 40, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the physical storage medium is a disk drive. Bharati discloses wherein the database may reside on media such as a CD-ROM accessible using a CD-ROM drive (see page 6 paragraph 79).

In regard to claim 41, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the build of material information is selected from the group consisting of device drivers, software applications, operating systems, or BIOS versions. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

In regard to claim 42, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated

calling center. Bharati discloses information is collected from the client computer for transmission to a server (see page 2 paragraph 19).

In regard to claim 43, Bharati discloses a computer system for providing build of material information during a software failure, comprising:

- a processor (see figure 1 item 120 and page 2 paragraph 25).

- a memory coupled with the processor (see figure 1 item 130 and page 2 paragraph 25).

- a signal, executable by the processor, wherein the signal further comprises, a means for generating a file marker and encoding the file marker with build of material information from a source file. Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20)

- a communication assembly coupled with the processor, the communication assembly for sending the file marker to a central authority when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

wherein the central authority may use the file markers in failure analysis, system restoration, and for future use in identifying and diagnosing technical support issues. Bharati discloses the information is used to determine the precise application and its environment and to determine whether a potential solution exist, wherein if a solution exist, providing a download to a solution and if not, storing in a database for further reference and diagnostic purposes (see page 2 paragraph 20).

In regard to claim 49, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is provided within a physical storage medium. Bharati discloses storing the information is a database (see page 2 paragraph 20).

In regard to claim 50, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the physical storage medium is a disk drive. Bharati discloses wherein the database may reside on media such as a CD-ROM accessible using a CD-ROM drive (see page 6 paragraph 79).

In regard to claim 51, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the build of material information is selected from the group consisting of device drivers, software applications, operating systems, or BIOS versions. Bharati discloses obtaining an inventory of system properties, such as name of operating system, OS version, etc. (see page 2 paragraph 19).

In regard to claim 52, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the central authority is selected from the group consisting of a server, a managing computer, a network administrator, a technical assistance center, or an automated calling center. Bharati discloses information is collected from the client computer for transmission to a server (see page 2 paragraph 19).

In regard to claim 53, Bharati discloses a means for providing build of material information during a software failure, comprising:

means for encoding a file marker with build of material information from a source file
Bharati discloses formatting the inventory in a desired way (see page 2 paragraph 20).

means for sending the file marker when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

In regard to claim 55, Bharati discloses the claim limitations as discussed above. Bharati further discloses wherein the file marker is sent to a central authority when an application abnormally terminates. Bharati discloses information is collected from the client computer for transmission to a server, indicating a central authority, following the occurrence of a reporting event, such as occurrence of an application error (see page 2 paragraph 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,14,15,24,25,35,36,45,46, and 54 are rejected under 35 U.S.C. **103(a)** as being unpatentable over Bharati in view of US Patent No. 5,857,192 of Fitting.

In regard to claims 3,14,24,35, and 45, Bharati discloses the claim limitations as discussed above. However, Bharati fails to explicitly disclose:

wherein the file marker comprises a null file with a file name.

Fitting discloses transmitting information as a file with no contents, wherein information is formatted in the name of the file (see column 4 lines 20-25 and column 5 lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bharati and Fitting to transmit information as a file with no contents, wherein information is formatted in the name of the file, indicating wherein the file marker comprises a null file with a file name. A person of ordinary skill in the art would have been motivated to combine the teachings because Bharati is concerned with transmitting formatted data (see page 2 paragraph 20), and transmitting information as a file with no contents, wherein information is formatted in the name of the file, as per teachings of Fitting, constitutes a known and suitable format for transmitting data that avoids additional loading and lengthy delays (see column 3 lines 60-62).

In regard to claims 4,15,25,36, and 46, Bharati in view of Fitting discloses the claim limitations as discussed above. Bharati further discloses formatting the inventory in a desired way, indicating wherein the build of material information is encoded in the file marker (see page 2 paragraph 20) and Fitting discloses the file marker as null file, wherein information is formatted in the name of the file (see column 4 lines 20-25 and column 5 lines 5-10), indicating wherein the build of material information is encoded in the file name of the file marker.

In regard to claim 54, Bharati discloses the claim limitations as discussed above. Bharati further discloses formatting the inventory in a desired way, indicating wherein the build of material information is encoded in the file marker (see page 2 paragraph 20).

However, Bharati fails to explicitly disclose:

wherein the file marker comprises a null file with a file name, the file name being encoded with the build of material information.

Fitting discloses transmitting information as a file with no contents, wherein information is formatted in the name of the file (see column 4 lines 20-25 and column 5 lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bharati and Fitting to transmit information as a file with no contents, wherein information is formatted in the name of the file, indicating wherein the file marker comprises a null file with a file name, the file name being encoded with the build of material information. A person of ordinary skill in the art would have been motivated to combine the teachings because Bharati is concerned with transmitting formatted data (see page 2 paragraph 20), and transmitting information as a file with no contents, wherein information is formatted in the name of the file, as per teachings of Fitting, constitutes a known and suitable format for transmitting data that avoids additional loading and lengthy delays (see column 3 lines 60-62).

Claims 5,16,26,37, and 47 are rejected under 35 U.S.C. **103(a)** as being unpatentable over Bharati in view of Fitting and in further view of US Patent No. 6,920,492 of Richard.

In regard to claim 5,16,26,37, and 47, Bharati in view of Fitting discloses the claim limitations as discussed above. Bharat further discloses populating the file marker with inventory of system properties, such as name of operating system, OS version, manufacturer, etc. (see page 2 paragraph 19).

However, Bharati in view of Fitting fails to explicitly disclose:

wherein the file name is populated with information from a SMBIOS table.

Richard discloses wherein SMBIOS are known to comprise of system information such as manufacturer, version, serial number, as well as reference to the operating system (see page 9 lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bharati, Fitting, and Richard wherein the retrieval of system properties is done via the SMBIOS, indicating wherein the file name is populated with information from a SMBIOS table. A person of ordinary skill in the art would have been motivated to combine the teachings because Bharati is concerned with populating the file marker with inventory of system properties, such as name of operating system, OS version, manufacturer, etc. (see page 2 paragraph 19), and the SMBIOS, as per teachings of Richard, constitute a suitable known location comprising of such system information (see page 9 lines 25-36).

Claims 6,17,27,38, and 48 are rejected under 35 U.S.C. **103(a)** as being unpatentable over Bharati in view of Fitting and in further view of US Patent No. 6,915,302 of Christofferson et al. referred hereinafter "Christofferson".

In regard to claim 6,17,27,38, and 48, Bharati in view of Fitting discloses the claim limitations as discussed above.

However, Bharati in view of Fitting fails to explicitly disclose wherein the file name ranges from 1 to 256 characters.

Christofferson discloses files systems are known to support files name up to 256 characters, indicating wherein the file name ranges from 1 to 256 characters (see column 1 lines 45-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bharati, Fitting, and Christofferson to have the file name ranges from 1 to 256 characters. A person of ordinary skill in the art would have been motivated to combine the teachings because Bharati in view of Fitting discloses files with a files name (see column 4 lines 4 lines 20-25 of Fitting) and Christofferson disclose it is known for files to range up to from 1 to 256 characters (see column 1 lines 45-46).

Claims 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharati in view of Richard.

In regard to claim 34 and 44, Bharati discloses the claim limitations as discussed above. Bharat further discloses populating the file marker with inventory of system properties, such as name of operating system, OS version, manufacturer, etc. (see page 2 paragraph 19).

However, Bharati fails to explicitly disclose:

wherein the build of material information is read from a SMBIOS interface.

Richard discloses wherein SMBIOS are known to comprise of system information such as manufacturer, version, serial number, as well as reference to the operating system (see page 9 lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bharati, Fitting, and Richard wherein the retrieval of

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system properties is done via the SMBIOS, indicating wherein the build of material information is read from a SMBIOS interface. A person of ordinary skill in the art would have been motivated to combine the teachings because Bharati is concerned with populating the file marker with inventory of system properties, such as name of operating system, OS version, manufacturer, etc. (see page 2 paragraph 19), and the SMBIOS, as per teachings of Richard, constitute a suitable known location comprising of such system information (see page 9 lines 25-36).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Emerson Puente". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Emerson Puente
Examiner
AU 2113